HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.16850 OF 2005

DATED: 2.11.2005

Between:

K. Sambasivarao

… Petitioner

and

The Managing Director, The Andhra

Bank Farmers Service Cooperative Society

Ltd, Dhulipala, Sattenapalli Mandal,

Guntur District.

… Respondent

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.16850 OF 2005

ORDER:

Writ Petition is filed asserting that the respondent has failed to implement the

judgment of this court dated 23.10.2002 in W.P.No.20996 of 2002.

The petitioner was employed as a Senior Field Officer of the Andhra Bank Farmers Service Cooperative Society Limited, Dhulipala, Guntur District. He was placed under suspension pending enquiry by an order of the employer dated 31.7.2002 on allegations of involvement in certain financial irregularities while working as a Field Officer at Dhulipala. Domestic enquiry was initiated against the petitioner on broadly the aforesaid allegations, a show cause notice was issued on 31.7.2002 itself calling for his explanation, petitioner submitted his explanation and there the matter rested.

He filed W.P.No.20996 of 2002 assailing the order placing him under suspension and complaining of prolonged disciplinary enquiry. This court by the judgment dated 23.10.2002 disposed of the writ petition declining to interfere with the order of suspension at that stage, but however directing the respondent to complete the enquiry within a period of six months (from the date of receipt of a copy of its order) and in default (of completing the enquiry within stipulated time), declaring that the petitioner is entitled to reinstatement into service. This court also directed payment of subsistence allowance to which the petitioner was entitled, as per the relevant regulations.

The petitioner was reinstated into service though the enquiry was not completed within the time stipulated by this court. The employer did not take the petitioner back into active service as it was felt that the active continuance of the petitioner in service would be detrimental to the interests of the employer. However,

it is the admitted case that the petitioner was paid full salary and allowances to which he was entitled on holding the post, after the date of such reinstatement as adverted to above. The employer completed the domestic enquiry though after the period specified by this court, and by order dated 9.9.2005 imposed on the petitioner the penalty of dismissal from service after a due process of formal domestic enquiry.

The validity of the order of dismissal *qua* the employer's order dated 9.9.2005 is not the subject matter of this writ petition.

Sri M. Prabhakara Rao, learned counsel for the petitioner, would contend that after the petitioner's reinstatement into service, the employer could not have proceeded with the earlier disciplinary enquiry which was initiated prior to his reinstatement and consequent on the order of suspension in the year 2002, but ought to have held a *de novo* enquiry after his reinstatement. This contention has no conceptual basis nor is there any authority cited for this novel proposition. This contention of the learned counsel does not commend acceptance by this court and is summarily rejected. Should the petitioner have a grievance against the order of dismissal (by the order of employer dated 9.9.2005), the petitioner has a plenitude of remedies available in an appropriate forum by way of a separate proceeding, but not in this writ petition.

No other grievance is projected for adjudication in this case. For the aforesaid reasons, there are no merits in the writ petition. It is accordingly dismissed. The petitioner is at liberty to pursue appropriate remedies against the respondent's order dated 9.9.2005. In the circumstances, however, there shall be no order as to costs.

GODA RAGHURAM, J

Date: 2.11.2005

cvm